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January 11, 2008

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Date: July 30, 2007
Subject: Amended Appeal Brief
Docket No.: F125
Pages: 28 pages (*including this coversheet*)

APPLICATION No.: 10/758,966 ART UNIT: 1763
FILING DATE: January 16, 2004 EXAMINER: Allan W. Olsen
INVENTOR(S): Diane K. Stewart et al.
TITLE: Electron Beam Processing for Mask Repair

In connection with the above-identified patent application, applicants submit the following:

1. Amended Appeal Brief (27 pp.)

David Griner
Patent Reg. No.: 47,614

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Attorney Docket No. F125

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Board of Patent Appeals and Interferences

Applicants: Diane K. Stewart, J. David Casey, Jr., John Beaty, Christian R. Musil, Steven Berger and Sybren J. Sijbrandij

App. No.: 10/758,966

Filing Date: 01/16/2004

Title: Electron Beam Processing for Mask Repair

Examiner: Allan W. Olsen

Art Unit: 1763

AMENDED APPEAL BRIEF

In accordance with 37 C.F.R. 41.37, Appellant hereby submits this brief in furtherance of the Notice of Appeal, filed in this case on July 30, 2007, and received by the U.S. Patent and Trademark Office on July 30, 2007. This brief has been amended to comply with the December 13, 2007, Notification of Non-Compliant Appeal Brief.

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, on the date shown below.

On: January 11, 2008

By:

Name: Elizabeth Bell

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Attorney Docket No.: F125

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I. Real Party in Interest

The real party in interest in this appeal is:

FEI Company, an Oregon Corporation having its principal place of business in Hillsboro, Oregon.

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II. Related Appeals and Interferences

There are no prior or other pending appeals, judicial proceedings, or interferences known to appellant which may be related to, directly affect, or be directly affected by, or have a bearing on the Board's decision in this appeal.

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III. Status of Claims**A. Total Number of Claims in Application**

There are a total of 14 claims in the application.

B. Status of All the Claims

1. Claims canceled: 13-20
2. Claims withdrawn from consideration but not canceled: NONE
3. Claims pending: Claims 1-12 and 21-22
4. Claims allowed: NONE
5. Claims rejected: 1-12, 21-22

C. Claims on Appeal

The claims on appeal are: 1-12, 21-22

Attorney Docket No.: F125

IV. Status of Amendments

Appellants filed an amendment to the claims subsequent to final rejection. This amendment canceled claims 13-20 and rewrote claims 21 and 22 to incorporate the limitations of their canceled parent claims. This amendment was allowed by the Examiner in the June 19, 2007, Advisory Action Before the Filing of an Appeal Brief.